| Serial | Number |
|--------|--------|
|        |        |

| Application No. | Applicant(s) |  |
|-----------------|--------------|--|
| 10/791,400      | MOORE        |  |
|                 |              |  |
| •               |              |  |

| TERMINAL DISCLAIMER  |           | ☐ APPROVED ☐ DISAPPROVED |      |                    |  |  |
|--|-----------|--------------------------|------|--------------------|--|--|
| The term of this patent shall not extend beyond the expiration date of U.S. Patent No: | 6,747,327 | A                        |      |                    |  |  |
| The term of this patent subsequent to the adjacent date has been disclaimed.           |           |                          |      |                    |  |  |
|  |           |                          |      |                    |  |  |
| INTERNAL DOCUMEN<br>DO NOT MAIL  | NT –      |                          | Docu | ument Code<br>DISQ |  |  |

U.S. Patent and Trademark Office

RENEE PRESTON
PARALEGAL SPECIALIST
TECHNOLOGY CENTER 2800

DE 16 ZON

PTO/SB/26 (10-00) Approved for use through 10/31/2002, OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

er the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number

## TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION OVER A PRIOR PATENT

Docket Number (Optional) 2269-4308.4US (99-1199.04/US)

In re Application of: John T. Moore
Application No.: 10/791,400

Filed: March 2, 2004

For: TRANSISTOR WITH NITROGEN-HARDENED GATE OXIDE

The owner\* Micron Technology, Inc. of 100 percent interest in the Instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the Instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6.747.327. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or asskans.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

| 1. 🔲 | For submissions on behalf of a    | n organization (e.g., | corporation,   | partnership, | university, | government | agency. |
|------|-----------------------------------|-----------------------|----------------|--------------|-------------|------------|---------|
|      | etc.), the undersigned is empower | red to act on behalf  | of the organiz | ation.       |             |            |         |

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. The undersigned is an attorney of record.

ames R. Susafa December 10,

Date

James R. Duzan

Typed or printed name Reg. No. 28,393

Terminal disclaimer fee under 37 CFR 1.20(d) is included.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

\*Certification under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/S8/96 may be used for making this certification. See MPEP § 324.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

12/17/2004 EABUBAK1 00000017 10791400

)2 FC:1814

130.00 OP

0:18m,C 2824